

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DOCKETED

OCT 21 2003

Dr. JANET E. RING,

Plaintiff,

v.

BOARD OF EDUCATION COMMUNITY
SCHOOL DISTRICT NO. 60, Lake County
Illinois, JEFF McBRIDE, FERNANDO
SHIPLEY, MARVIN REDDICK and
ANITA HANNA,

Defendants.

Case No.

JUDGE RONALD GUZMAN
JURY DEMAND

MAGISTRATE JUDGE NOLAN

COMPLAINT

NOW COMES the plaintiff Dr. Janet E. Ring, by her attorney John B. Murphrey and Rosenthal, Murphrey & Coblenz, and complaining of defendants states:

I. INTRODUCTION

1. This is a civil rights action. Plaintiff is a career professional educator employed by defendant Board of Education as the District's Associate Superintendent for Curriculum and Instruction. On September 9, 2003 plaintiff was removed from her position and transferred to a position of greatly diminished professional responsibility, prestige, and recognition. The reason plaintiff was so transferred is because she is white and the four individual members of the Board of Education who voted to transfer her are black. This transfer violates plaintiff's right to equal protection under the Fourteenth Amendment. Plaintiff seeks redress for this constitutional violation.

II. JURISDICTION AND VENUE

2. This court has jurisdiction pursuant to 42 U.S.C. §1343 and 42 U.S.C. Section 1983.

FILED - 15
OCT 20 PH 2:57

CLERK
U.S. DISTRICT COURT

3. Defendant Board of Education and the individual defendants are located in the Northern District of Illinois Eastern Division.

III. PARTIES

4. Plaintiff is a resident of Gurnee, Illinois. Plaintiff's race is white.

5. Defendant Board of Education (the "Board") is a school district providing elementary and secondary (high school) services. The District's boundaries roughly encompass the City of Waukegan. Defendants McBride, Shipley, Reddick and Hanna (sometimes hereinafter the "Individual Defendants") represent four members of the seven member Board of Education. The individual defendants are black (African American).

IV. NATURE OF PLAINTIFF'S CLAIM

6. On July 11,, 2000, plaintiff was hired by the Board as Associate Superintendent for Curriculum and Instruction.

7. Plaintiff's position answers directly to the Superintendent of School. The Superintendent is the Chief Executive Officer of the Board.

8. As Associate Superintendent for the Department of Curriculum and Instruction, plaintiff performed a wide range of essential responsibilities. She was responsible for administering a budget in excess of \$6,000,000. She supervised 18 professional and clerical staff members.

9. Following the April 2003 election for school board members, the racial makeup of the Board of Education became composed of four blacks and three non-blacks. Upon obtaining voting control of the Board, the Individual Defendants decided to remove plaintiff from her position.

10. There was and is absolutely no legitimate nondiscriminatory basis for the Board to fire or transfer plaintiff. At all times relevant hereto plaintiff performed her job responsibilities in an exemplary manner.

11. The Superintendent of Schools, as Chief Executive Officer, and the individual most qualified to judge plaintiff's performance, approved of such performance and supported plaintiff's continued appointment as Associate Superintendent for Curriculum and Instruction.

12. At the June 2003 School Board meeting defendant Shipley moved and defendant Reddick seconded a motion that plaintiff be fired from her position. This motion and second were racially motivated. The motion and second were based solely on defendants' desires to remove plaintiff from her high ranking administrative position based on the color of her skin.

13. Action on said motion was deferred based on advice of the District's attorney. The Individual Defendants thereupon directed that the termination of plaintiff be considered as an action item at the regular meeting to be held on July 15, 2003. Subsequently, the Individual Defendants directed the Superintendent of Schools to transfer plaintiff to another position. This direction by the Individual Defendants was racially motivated. It was based solely on a desire by the Individual Defendants to remove plaintiff as a white person from this high ranking administrative position within the School District.

14. On September 9, 2003 the Individual Defendants voted to remove plaintiff from her position as Associate Superintendent for Curriculum and Instruction. The other three board members voted against the transfer.

15. The decision to remove plaintiff from her position was motivated by race. The individual defendants removed plaintiff from her position solely because of her race.

16. During the course of the removal process, one of the defendants stated to a staff member that the Board could not initially hire a black person to replace plaintiff because that would further demonstrate that plaintiff's removal was an act of racism.

17. Subsequently, plaintiff was transferred to a newly created position called "Associate Superintendent/Program Development." This position was nonexistent prior to the removal of plaintiff from her position. In fact, the plaintiff was directed to make up the job title and job description. The new position has no meaningful responsibility comparable to her prior position. Where plaintiff once had a complex office, a staff and important professional responsibilities within the District, she now has a small isolated office, no staff, a minimal budget, and no authority compared to that which she held prior to the retaliatory transfer. The retaliatory transfer has thus stigmatized plaintiff in the educational community.

18. In addition, the newly created position carries diminished responsibility and deprives plaintiff of the position to which she was hired and to which her skills are suited. The newly created position is viewed by fellow administrators, faculty, and others within the school community as a demotion.

19. Plaintiff aspires to be a superintendent. The defendants' removal of plaintiff from her position as Associate Superintendent of Curriculum and Instruction and their demotion of her to a job which did not exist in Board policy at the time of her transfer and which was made up only to have a place to relegate her in lieu of an outright termination has stigmatized plaintiff and will impair plaintiff's ability to obtain a superintendency or comparable professional employment in the future.

20. As such, the action of defendants in removing plaintiff from her position amounts to an adverse employment action.

21. The conduct of defendants as described above was racially motivated and violative of plaintiff's right to equal protection of the law as secured by the Fourteenth Amendment to the United States Constitution. The conduct of defendants as described above was not accompanied by a pre-demotion hearing. The "transfer" of plaintiff to a position of substantially reduced professional responsibilities coming as it did on the heels of the threats by the Individual Defendants to fire plaintiff has stigmatized plaintiff constitutes a violation of plaintiff's liberty interest under the due process clause of the Fourteenth Amendment.

22. As a result of defendants' unconstitutional action plaintiff has suffered emotional distress, humiliation, and has otherwise been injured. Plaintiff's opportunities for future employment have been impaired.

23. The conduct of the individual defendants was intentional and wilful.

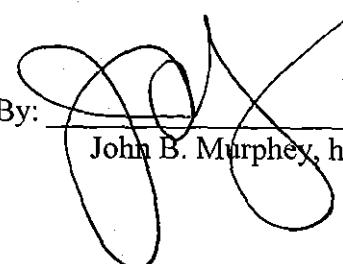
WHEREFORE, plaintiff prays as follows:

- A. That this cause be set for trial.
- B. That plaintiff be awarded damages in an amount not less than Five Hundred Thousand Dollars (\$500,000) from all defendants.
- C. That plaintiff be awarded punitive damages against the Individual Defendants in an amount as determined by the jury.
- D. That plaintiff be awarded her attorney's fees pursuant to 42 U.S.C. §1988.

E. That plaintiff be awarded such other or additional relief as is appropriate under the circumstances.

DR. JANET E. RING

By:


John B. Murphrey, her attorney

John B. Murphrey
ARDC #1992635
Rosenthal, Murphrey & Coblenz
30 North LaSalle Street, Suite 1624
Chicago, Illinois 60602
Teleph # (312) 541-1072
Fax # (312) 541-9191

G:\rmcj\Ring\Compliant.wpd

CIVIL COVER SHEET**43C 7397**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing of the complaint or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States, is to be used by the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

DR. JANET E. RING

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF LAKE
(EXCEPT IN U.S. PLAINTIFF CASES)(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
John B. Murphey
Rosenthal, Murphey & Coblenz
30 N. LaSalle St. Suite 1624
Chicago, IL 60602 312-541-1070**DEFENDANTS**BOARD OF EDUCATION COMMUNITY SCHOOL DISTRICT
NO. 60, LAKE COUNTY, ILLINOIS, JEFF MC BRIDE,
FERNANDO SHIPLEY, MARVIN REDDICK AND
ANITA HANNACOUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT LAKE
(IN U.S. PLAINTIFF CASES ONLY)COUNTY OF LAND CONDEMNATION CASES USE THE LOCATION OF THE
FACT OF LAND INVOLVED JUDGE RONALD GUZMAN**DOCKETED**

OCT 21 2003 (ATTORNEY UNKNOWN)

MAGISTRATE/JUDGE NOLAN**II. BASIS OF JURISDICTION**

(PLACE AN "X" IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff
 2 U.S. Government Defendant

3 Federal Question (U.S. Government Not a Party)
 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

	PTF	DEF	PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or ReopenedTransferred from
 5 another district (specify) 6 Multidistrict Litigation

Appeal to District Judge from Magistrate Judgment

OCT 21 2003

V. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability			<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine			<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability			<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle			<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability			<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 892 Economic Stabilization Act
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS:	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 220 Foreclosure	<input checked="" type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 863 DIWC/DIWV (405(g))	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 880 Other Statutory Actions
<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	
			<input type="checkbox"/> 740 Railway Labor Act	
			<input type="checkbox"/> 790 Other Labor Litigation	
			<input type="checkbox"/> 791 Emp. Ret. Inc. Security Act	
			FEDERAL TAX SUITS	
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	

VI. CAUSE OF ACTION(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE.
DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

Wrongful employment actions based on race, in violation of the 14th Amendment

VII. REQUESTED IN COMPLAINTCHECK IF THIS IS A CLASS ACTION
 UNDER F.R.C.P. 23**DEMAND \$**CHECK YES only if demanded in complaint:
JURY DEMAND: YES NO**VIII. This case**

- is not a refiling of a previously dismissed action.
 is a refiling of case number _____, previously dismissed by Judge _____

DATE

10-20-03

SIGNATURE OF ATTORNEY OF RECORD

NOTE: When the print dialogue box appears, be sure to uncheck the Annotations option.

In the Matter of

DR. JANET E. RING, Plaintiff

v.
BOARD OF EDUCATION COMMUNITY SCHOOL DIST.
60, LAKE COUNTY ILLINOIS, JEFF MC BRIDE,
FERNANDO SHIPLEY, MARVIN REDDICK & ANITA
HANNA, Defendants.

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

Dr. Janet E. Ring

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

Eastern Division

03C

Case Number:

2397

JURY DEMAND

JUDGE RONALD GUZMAN

MAGISTRATE JUDGE NOLAN

FILED-105
OCT 20 PM 2:57
CLERK DISTRICT COURT

DOCKETED

OCT 21 2003

(A)			
SIGNATURE	SIGNATURE		
NAME JOHN B. MURPHEY	NAME		
FIRM ROSENTHAL, MURPHEY & COBLENTZ	FIRM		
STREET ADDRESS 30 N. LA SALLE ST. SUITE 1624	STREET ADDRESS		
CITY/STATE/ZIP CHICAGO, IL 60602	CITY/STATE/ZIP		
TELEPHONE NUMBER 312-541-1070	TELEPHONE NUMBER		
IDENTIFICATION NUMBER ARDC # 1992635	IDENTIFICATION NUMBER		
MEMBER OF TRIAL BAR? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	MEMBER OF TRIAL BAR? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
TRIAL ATTORNEY? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	TRIAL ATTORNEY? <input type="checkbox"/> YES <input type="checkbox"/> NO		
		DESIGNATED AS LOCAL COUNSEL? <input type="checkbox"/> YES <input type="checkbox"/> NO	
(C)		(D)	
SIGNATURE	SIGNATURE		
NAME	NAME		
FIRM	FIRM		
STREET ADDRESS	STREET ADDRESS		
CITY/STATE/ZIP	CITY/STATE/ZIP		
TELEPHONE NUMBER	TELEPHONE NUMBER		
IDENTIFICATION NUMBER	IDENTIFICATION NUMBER		
MEMBER OF TRIAL BAR? <input type="checkbox"/> YES <input type="checkbox"/> NO	MEMBER OF TRIAL BAR? <input type="checkbox"/> YES <input type="checkbox"/> NO		
TRIAL ATTORNEY? <input type="checkbox"/> YES <input type="checkbox"/> NO	TRIAL ATTORNEY? <input type="checkbox"/> YES <input type="checkbox"/> NO		
DESIGNATED AS LOCAL COUNSEL? <input type="checkbox"/> YES <input type="checkbox"/> NO	DESIGNATED AS LOCAL COUNSEL? <input type="checkbox"/> YES <input type="checkbox"/> NO		